Children's Court.

Hebron, 13, of 221 West Fortieth street.

in. So we started to stay out all night.

Have Hauled That Flag Down.

because a torn English flag was draped

about the statue of Nathan Hale in City

Oct. 8, while the Honourable Artillery Com-

The matter was reported at the time to

CARRIAGE SUES AUTO

For Damages Sustained in a Riverside

Drive Collision.

\$5,000 from Clarence E. Sherin, for damages

which Mrs. Powers says were inflicted on

herself, her victoria, her horses and her

coachman on May 21 last, when Mr. Sherin's

were thrown down and the victoria was scratched.
Mr. Sherin applied to Justice Barrett

the Mulberry street police station, who found them fighting on Grand street.

Jordana held what appeared to be a drawn sword in his hand, with which he had wounded Galutscha, while the latter was armed with a short piece of scantling.

Galutscha said that Jordana had tried to induce Mrs. Galutscha to elope with him, and that when he had expostulated Jordana attempted to came the husband.

Jordana attempted to cane the husband, using a sword cane to do the Job. Galut-scha resisted, and in his struggle tore the sheath from the blade.

Bodles of 163 Soldiers Due to Arrive Here

on Nov. 15.

WASHINGTON, Oct. 22 .- The Quarter-

master-General of the army has been in-

formed that the transport Sumner, due in

New York about Nov. 15, is bringing the

bodies of 163 soldiers who died in the Philip-

Armless Veteran a Doorkeeper.

the civil war, has been appointed a door-

keeper on the soldiers' roll of the House

of Representatives, succeeding Samuel

Decker, similarly crippled, who died on Monday. Decker, despite the loss of his

hands, was an enthusiastic and successful angler. He had become expert in the use of an iron hook fitted to one stump, and had

an arrangement on the other like a large pair of tweezers.

Movements of Naval Vessels.

WASHINGTON, Oct. 22.-The gunboat

Nashville has arrived at Caimanera, the

gunboat Wilmington at Amoy, the gunboat

Scorpion at Newport and the monitor

Washington Society Notes.

WASHINGTON, Oct. 22.-The President

and Mrs. Roosevelt have issued invitations

and Mrs. Roosevelt have issued invitations for a dinner at the White House next Mon-day evening, Oct. 26.

The Belgian Minister and Baroness Mon-cheur have returned to Washington after several months spent in Europe, and will at once open the legation for fall enter-taining.

Gen. Chaffee at His New Post.

WASHINGTON, Oct. 22 .- Major-Gen. A. R. Chaffee, who will succeed Major-Gen. H. C.

Corbin as chief of the General Staff, arrived here to-day. Capt. James A. Moss, Twenty-

WASHINGTON, Oct. 22.-Lauritz Ohlson,

Magistrate Deuel held Jordana under

Mrs. Caroline B. Powers has begun an

to it read: "Lest We Forget."

down at once.

Court.

BRYANWILL TAKE THE BEQUEST say, but I suppose you do not object to

CHANGES HIS MIND FOR LEGAL REASONS, HE DECLARES.

He Declines to Compromise in the Bennett Will Case-Accused of Not Being trank With the Widow-Mrs. Bryan knew All About the Secret Bequest.

NEW HAVEN, Oct. 22.-Previous to the esumption of the hearing in the Probate art to-day on the admission of the will of Philo S. Bennett, by which an estate of about \$300,000 is distributed, of which W. J. Bryan and his family were to get more than \$80,000, Mr. Bryan, his counsel, former Judge Henry G. Newton, and Mrs. Bennett's counsel, Judge Henry Stoddard, walked out of the Probate Court hurriedly and entered a private room nearby. Every one in the court room thought there would be an amicable settlement of the case and

In the private room Judge Stoddard on behalf of Mrs. Bennett turned to Mr. Bryan

"I have a proposition to make to you, and it is this: That you resign as once as executor of this will. If you don't we will go ahead with this case and contest it on the ground that you used undue influence on Mr. Bennett when he was preparing

Mr. Bryan and his counsel were surprised Mr. Bryan was also indignant and told Judge Stoddard that he would not resign. The conference immediately ended, and lawyers and Mr. Bryan returned to the court room. It was said that Mrs Bennett's counsel wanted an executor favorable to Mrs. Bennett. The widow has not been in the city in two weeks. was apparent from the line of examination to-day of Mr. Bryan by Judge Stoddard that the allegation will eventually be made that the Nebraskan used undue influence on Mr. Bennett when the two of them, in the presence of Mrs. Bryan, drew up the will, the copy of which was vpewritten by Mrs. Bryan at their Lincoln home. Mr. Bryan appeared in court this morning with counsel, for the first time.

At the close of the hearing yesterday Mr. Bryan told the Court that he wouldn' ake a cent of the \$50,000 which Mr. Bennett estructed his widow to turn over to him in accordance with instructions in a sealed envelope, nor would be allow any member of his family to take a cent of it if it was not agreeable to Mrs. Bennett. The first thing he did when he went on the witness stand to-day was to inform the Court that, acting on the advice of counsel, he wished to amend that statement. Then he read the owing prepared statement:

I have been advised by counsel that inder decisions of this State there is some question as to whether the law might not be different in case I refused to accept the bequest myself and distribute it according to the alternative construction, and in case accept it and in view of that uncertainty, desire to make this statement at present, I desire to make this statement at present, until further advised in regard to the law; that I will accept, if it is necessary to come within the law with this understanding made in court; that if I accept if for myself it will not be used for myself, either the \$25,000 for myself personally or for the family, without the consent of Mrs. Bennett that in case Mrs. Bennett does not consent it will be distributed by me in accordance with the instructions of Mrs. cordance with the instructions of Mrs. Sennett. But, if necessary to come within he law, it will be distributed as a personal distribution, the only object being to avoid raising a question by a change in the manner of its distribution."

Then began the cross-examination of

Mr. Bryan. Judge Stoddard led him through those times, beginning in 1900, when Mr. Bennett went to Lincoln to have his will drafted by Mr. Bryan, and attempted when Mr. Bennett went to Lincoln to have his will drafted by Mr. Bryan, and attempted to show that all the facts in relation to the conference between Mr. Bryan and Mr. Bennett relating to the bequest to Bryan or to the Bryan family had not been communicated to Mrs. Bennett, although the apparent plan had been to make her informed thoroughly. In regard to the sealed letter in which Bryan gets \$50,000, it was shown that Mr. Bennett and Mr. Bryan had prepared the copy of a letter Mr. Bennett was to send to Mrs. Bennett and a simiar letter to Mr. Bryan. Mr. Bennett was to send to Mrs. Bennett and a simiar letter to Mr. Bryan. Mr. Bennett was to send to Mrs. Bennett and a simiar letter to Mr. Bryan. Mr. Bennett was to send to Mrs. Bryan decided that members of the Bryan family, as well as Mr. Bryan, were to be remembered in the sealed letter, but the sealed letter remembered Mr. Bryan alone.

tered Mr. Bryan alone. Judge Stoddard brought out that Mr. Bennett and Mr. Bryan had agreed on a letter to Mrs. Bennett advising her of the bequest to Bryan and in which letter it was said that Mrs. Bennett and Mr. Bryan were the only ones who knew of the be-quest, and yet Mrs. Bryan had knowledge of the bequest.

"Who was present at your home when the forms of this will and the letters were prepared?" he was asked.

"I am not sure that any one was present except Mr. Bennett and myself. Mrs. Bryan did the typewriting; and I would like to say in this connection that Mrs. Bryan's study of law, already referred to, was not with the thought of practising, but they we might have more in common. but that we might have more in common e learned to write on the typewriter that might attend to my correspondence did the typewriting on the will and the She did the typewriting on the will and the two letters, one to be sent to me and one to Mrs. Bennett upon the death of Mr. Bennett "Didn't Mrs. Bryan participate in the

liscussion? "I don't think she did."

"Didn't she say that Mrs. Bennett might he unwilling for you to take this \$50,000?" "I don't think she did."

"I don't think she did."
"Do you know why you said in the letter for Mrs. Bennett: 'My desire is that no one but you and Mr. Bryan shall know of the bequest, when you knew that Mrs. Bryan was aware of the contents?' " "I don't know of any explanation," re-plied Mr. Bryan, "except that in the letter

was to go to Mrs. Bryan and part for the children and it was understood that Mrs. Bryan was to know."

"Why didn't you tell Mrs. Bennett the truth in that letter to her that Mrs. Bryan knew all about this?" "There was no intention of concealing the facts from Mrs. Bennett, but I did not think it was necessary to add Mrs. Bryan after my name."

In the letter to Mrs. Bennett it was stated that \$50,000 was to go to you and in your letter that \$25,000 was to go to you and \$25,000 to some one else. Why those conflicting statements?

"The letter to Mrs. Bennett," explained Mr. Bryan, "was as to the disposition of

the \$50,000 trust and the one to me explained

what was to be done with it."

"While you were carving up this estate, why didn't you tell the widow what you were doing? In the confidential letter why

did you state one thing when the facts were samething else?" th letters were shown to Mrs. Bennett

after Mr. Bennett's death," replied Mr. That doesn't answer my question. Now

why did you not, as an attorney in this will you were making, state the facts in the confidential letter to the widow?" 'I think the letters show all. I don't

"Mr. Bennett paid you \$300 when you drew the will. What was that for"? "I suppose it was for drawing the will. Here was no discussion as to fee. He had everal times given me money. He simply anded me the amount. He was at the one two days then."

w about the bequest to Mrs. Bennett houses in Bridgeport. Did you the time that the houses did not Mr. Bennett?"

"I didn't know about the title at that Mystic Shrime. I have it by hearsay since, only hear-for a ring.

I don't object to it," was Judge Stoddard's "No, I didn't suppose you would," replied Mr. Bryan. "I have heard that the title was in the firm of Bennett & Sloan. All were mortgaged. I suggested to Mrs. Bennett that this case be settled by having it deducted from her parties of the partner. t deducted from her portion of the partner-

are deducted from her portion of the partner-ship affairs."

"Oh, you were willing that that should be done, were you?" interrupted Judge Stoddard. "I don't know why you shouldn't."

"If you mean I should have been willing to allow it out of my right, I would say that before the contest was begun I told Mrs. Bennett what disposition of the \$25,000 L would make I consequently respond would make. I consequently reduced

this to writing.
"I told Mrs. Bennett that the gift was "I told Mrs. Bennett that the gift was made to provide for me against a breakdown or in my old age. I told her I didn't need it while my health was good. I told her that when my share of the money was paid me, \$25,000, I would give her \$2,500 in trust, to be used for purposes which we had talked over. It concerned three persons two of whom were her relatives. that when they returned to the court room they would notify Judge Livingston W. It concerned three persons, two of whom were her relatives. I thought that if the will were made this year instead of three years ago, Mr. Bennett might make some provisions differently. So I proposed that the balance be invested in Government bonds and that the income he relatives. be invested in Government bonds and that the income be paid to Mrs. Bennett as long as she needed it, or until my health became impaired, or in the event of my death. She was to be the sole judge whether she needed it."

"Who was to judge whether your health was impaired?"

"It was not stated."

was impaired?"
"It was not stated."
"Did Mr. Bennett ever make any investments for you?"
"Yes."
"For Mrs. Bryan?"

"No, I think not. He made investments for me of the Commoner fund. The subscriptions came in advance and I asked Mr. Bennett to buy Government bonds." Bennett to buy Government bonds

with the proceeds."

Concerning Mrs. Bryan's investment
Mr. Bryan testified:

The First Battle, Mrs. Mr. Bryan testified:

"From my book. The First Battle,' Mrs. Bryan received \$4,000 royalties from the publishers for the biography of me, which she wrote for that book. I don't remember whether Mr. Bennett invested this money or not."

Mr. Stoddard then referred to the sealed letter and that part of it that related to Mr. Bryan's political activity. He asked:

"Did you, Mr. Bryan, have conferences or discussions on political matters?"

"We often talked and wrote on the question of politics."

tion of politics."
"Why, in the will, didn't you stipulate

"No, sir. I am not sure that Mrs. Bryan ever met Mr. Bennett until the time he came to our house prepared to make his will. We never suggested it. It came as a surprise to us. Mr. Bennett suggested it himself."

the will and the scaled letter will be made on Monday evening next, when for the first time in its history this court will hold a night session. It was done to accommodate Mr. Bryan, who had planned to sail for Europe next week. It was said that Mr. Bryan would speak in his own behalf.

Judge Stoddard said to-night:

"I expect to allege several things before I get through. What would you think of me if I should draw up a mans' will and in it bequeath myself \$50,000?"

BRYAN ON ACQUIRING WEALTH. He Defends Himself From the Charge

LINCOLN, Neb., Oct. 22.—Mr. Bryan defends himself in the Commoner from the charge that he is opposed to wealth. He

real hostility in this country to wealth honestly acquired and rightly used. No one can, on the contrary, defend the pos-

on his particular accumulation. "A man driven to bankruptcy by trusts or who suffered great loss at the hands of speculators in Wali Street is not in a frame of mind to be lectured on respect for wealth accumulated by wrongdoing. Those interested in the supremacy of the law must eliminate the causes of ill feeling. It is not sufficient to devote themselves to suppressing manifest actions of disapproval. Neither is there any place here for the idle

HE "THROWS" FAKE FITS.

Five Cops Needed to Handle Man for Whom Ambulance Was Called.

rich."

Ambulance Surgeon Callahan of St. Catherine's Hospital, Williamsburg, went out on a hurry call last evening to McKibbin and Humboldt streets. When he got there he found an elderly man lying on the sidewalk, apparently in a fit. Dr. Callahan recognized the man as Charles Schmidt, alias Frederick Appel, a fake fit thrower, and directed a policeman to arrest him. Schmidt was placed in the ambulance. While he was being taken to the Stagg street police station he overheard that he was going to be locked up. He jumped up and tracked by Callakan and two policements.

attacked Dr. Callahan and two policemen who were on the am-ulance Schmidt fought fiercely and tried to bite the doctor. When the station house was reached three more policemen and the driver of the ambulance were necessary to carry Schmidt into the building. Meanwhile a crowd had gathered in front of the police station. The ambulance horse became frightened and ran away. Four men and two boys were knocked down and trampled on but not seriously hur. The horse was on, but not seriously hurt. The horse was caught in front of the hospital. Schmidt was locked up on the charge of disorderly conduct. He is 58 years old and

lives at 38 Melrose street. For several years he has given the police and ambulance doctors considerable trouble. In one month he had the ambulance of St. Catherine's Hospital called thirty-two

SUICIDE IN BRYANT PARK.

Man Whose Name Is Apparently Miller and Who Comes From Eric, Pa.

Policeman Hessian was in Bryant Park. last night, when his attention was called to a man on one of the benches in the centre, who was apparently very sick. In answer to Hessian's questions the man only

moaned:

"Look in my pockets."

The policeman summoned an ambulance from the New York Hospital, but the man on the bench was dead before it came. He had taken carbolic acid.

The body was taken to the Tenderloin station and searched. In his pockets were found ore cent and a piece of paper on which was scribbled: "Telegraph George J. Miller, Erie, Pa."

LITTAUER NOT TO BE SUED.

ATTORNEY-GENERAL'S OPINION ON THE GLOVE DEALS.

Says Government Has No Right to Demand Repayment of Money Paid Littauer on Contracts - Statute of Limitations Saves Him From Criminal Prosecution.

WASHINGTON, Oct. 22.- The opinion of the Attorney-General in the case of Congressman L. N. Littauer of Gloversville, Y., who was shown to be a beneficiary in contracts made by others for furnishing gloves to the army, was made public by the War Department to-day. The Attorney-General holds that the Government has no right to demand the repayment of money obtained by Mr. Littauer under these contracts, and also that Mr. Littauer cannot be prosecuted criminally because the statutory period of limitation has expired. The opinion is addressed to the Secretary of War and says:

Sir: I have the honor to acknowledge the receipt of your letter dated Aug. 3, 1993, in which you state that a case has arisen in the administration of your department in which you desire an expression of my opinion as to the application of the act of April 21, 1808 (2 Stat. L. 484), which was embodied in the revision of the laws as Section 3739 of the Revised Statutes.

The provision of law referred to reads as follows:

No member of or delegate to Congress shall, The provision of law referred to reads as follows:
No member of or delegate to Congress shall, directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold or enjoy, in whole or in part, any contract or agreement made or entered into in behalf of the United States by any officer or person authorized to make contracts on behalf of the United States.
Every person who violates this section shall be deemed guilty of a misdemeanor and shall be fined \$3,000. All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced on the part of the United States, in consideration of any such contract or agreement, it shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded by the proper officer of the department under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or surelies, shall be forthwith prosecuted at law for the recovery of any such sum of money so advanced.

Your inquiry is this: If a contract under

she wrote for that book. I don't remember whether Mr. Bennett invested this money or not.

Mr. Stoddard then referred to the sealed letter and that part of it that related to Mr. Bryan's political activity. He asked:

"Did you, Mr. Bryan, have conferences or discussions on political matters?"

"We often talked and wrote on the question of politics."

"Why, in the will, didn't you stipulate that the prize for the best essay on political science was for the undergraduates of the State universities?"

"Because," said Mr. Bryan, smiling a bit wearily, "we did not have members of the State universities?"

"Because," said Mr. Bryan, smiling a bit wearily, "we did not have members of the State universities?"

"Because," said Mr. Bryan that he give connecticul bar near us to suggest it specifically.

"Mr. Bryan's lawyer asked him the question."

"Was it ever suggested to Mr. Bennett by vourself or by Mrs. Bryan that he give members of the years of the work of the same to our house prepared to make his same to our house prepa

se in hand. I am of the opinion, therefore, that in the

acquired.

"Aside from gift there is only one way to honestly secure it. If a man, either by his brain or his muscle, contributes to the welfare of the world he is entitled to a recompense; the person who makes an intellectual contribution, whether it is teaching or writing, is entitled to a reward commensurate with his work.

"The same is true of the merchant, the manufacturer and middleman, provided each renders equal service and is doing 'real, necessary work. The man who by craft or cunning accumulates money must not be permitted to throw upon honest wealth the odium his dishonesty has brought on his particular accumulation.

BANK TELLER TYLER PARDONED. Sentenced to Five Years After Making Good the Money He Stole.

WASHINGTON, Oct. 22.-The President has pardoned Joel G. Tyler, a bank teller, who pleaded guilty to a charge of violating the national banking laws in Massachusetts and was sentenced to serve five years in the county jail at Fitchburg, Mass. Tyler was teller of the Safety Fund National Bank of Fitchburg and became an embezzler to the extent of several thousand dollars.

extent of several thousand dollars.

As he paid the money back, he received the minimum sentence of five years in prison. After he had served one year the Judge in whose court Tyler was convicted recommended that he be pardoned on the recommended that he be pardoned on the ground that the minimum sentence in this case seemed excessive. The application was rejected. The prisoner has served two years and a half, and the President has granted a renewed application for pardon.

HELD FOR THE GRAND JURY. Dignowity and Summerwell Accused of Falsifying Mining Company's Stock Books.

Washington, Oct. 22.-James V. Dignowity, second vice-president of the Mexican Mining and Exploration Company, of which former Senator John P. Jones is which former Senator John P. Johes is president, and Edward K. Summerwell, senior member of the New York law firm of Summerwell, Shoup & Vermilye, who were arrested here two weeks ago charged with having removed valuable papers from the local office of Clark & Co. of New York and with having falsified the stock books and with having falsified the stock books and with having falsified the stock books. and with naving mismed the stock books of the Mexican company, were to-day held in \$500 bail each for the Grand Jury.

A civil suit for \$7.028, filed by the Mexican Mining and Exploration Company, is also pending against Dignowity.

Quay's Son Appointed Deputy Naval Officer. Washington, Oct. 22.-The acting Secretary of the Treasury to-day appointed sylvania, deputy naval officer at the port of Philadelphia. The duties of the office are merely nominal. A. G. C. Quay, son of Senator Quay of Penn-

Army and Navy Orders. WASHINGTON, Oct. 22.-Army orders issued to

capt. Harry B. Chamberlain, Quartermaster, rom San Francisco to St. Paul. Capt. Frank A. Grant, Quartermaster, from San Capt. Francisco.

Capt. Howard W. French, Quartermaster, from Washington to Chattanooga.

Capt. Guy Carleton, Paymaster, from the Philippines to San Francisco.

Capt. Arthur W. Chase, Paymaster, from Chicago. San Francisco. The Army Retiring Board at the Army Building, the Army Retiring Board at the Army Building, w York elty, has been dissolved, and a new board, h Col. William E. Dougherty, Eighth Infantry, president, appointed in its place.

were found ore cent and a piece of paper on which was scribbled: "Telegraph George J. Miller, Erie, Pa."

In the peckets was also found a card of the Elks lodge in Erie, made out to C. S. Miller. There was also a receipt for dues paid to the Zem Zem temple A. A. O. N. Mystic Shrine of Erie and a pawnticket for a ring.

Navy orders Issued:

Capt. R. B. Bradford, from General Board, Washington, to command the Illinois.

Commander A. V. Wadhams, from naval recting station, Chicago, to command the Dixle.

Lieut. I. K. Seymour, from Bureau of Ordnance, Washington, to the Baitimore as navigator.

Lieut. H. George, from Bureau of Equipments, Washington, to the Tacoma, as executive officer.

Pay Director R. P. Lisle, to be placed on the rectired list, Nov. J, with the rank of Rear Admiral. fourth Infantry, has been assigned to duty as aide to Gen. Corbin when the latter assumes command of the Department of the East.

TWO SMALL SPELLBINDERS. Picked Up by a Cop-One Harangues the

MR. PAYNE MAY ORDER HIS SUM-Policeman Keogh of the West Twentieth street station found two small boys in s MARY DISMISSAL.

Seventh avenue doorway at 4 o'clock yesterday morning. They told him that they W. H. Landvolgt, Former Superintendent were trying to find a place to sleep. Keogh of the Registry Division, Charged took them to the Gerry society rooms, and With Favoring the General Manifold yesterday morning they were arraigned Company in Ordering Manifold Books before Justice Mayer in the Children's

WASHINGTON, Oct. 22 .- William H. I andvoigt, chief of the classification division of They said they were William Sullivan, 14, of 301 West Thirtieth street, and Francis the Post Office Department, and for twenty nine years an employee of the postal ser "We're Tammany spellbinders," ex-plained Willie, "and last night we spoke so vice, to-day tendered his resignation to Postmaster-General Payne, to take effect late in our district that when we got home at the latter's pleasure. Mr. Payne has the doors were locked, and we couldn't get not yet decided whether he will accept the resignation or issue an order summarily Justice Mayer had just remanded the dismissing Landvoigt for his connection with the General Manifold Company of Franklin, Pa., of which Representative Sibley of that State is the principal stock holder, and which for some years has held contract for furnishing the manifold

Justice Mayer had just remanded the boys to the Gerry society when William Sullivan, Sr., appeared. He swelled with pride when he heard the explanation.

The Justice called young Sullivan before him again. "If you'll repeat for me your speech, I'll let you go," he said.

The lad walked across the room, struck an attitude and said:

"Fellow citizens, I call upon you to vote for that peerless gentleman, George B. McClellan. Don't believe these Republicans. They are all no good. Mayor Low tells a lot of things before election, but he don't do them after he is elected. That reminds me of a story about the farmer books used in the registry system. One of Supt. Landvoigt's sons is in the employ of the Manifold Company, and his case is in other respects somewhat similar to that of former Superintendent Metcali of the money order system, who was reently indicted for his connection with the reminds me of a story about the farmer who took in a man with a big trunk to stop over night, and when he woke in the mornfrauds in postal contracts with the Wynkoop-Hallenbeck-Crawford Company of New York, recently contractors for postal money order books.

ing the man had gone, leaving the trunk. The farmer went to his guest's room to see what was in the trunk and found that the Landvoigt, who was formerly super-intendent of the Registry Division, was what was in the trunk and found that the trunk was nailed to the floor. He opened it and found it filled with hot air like Mayor Low's throwing at you now."

"As partisanship never reaches the bench," said Justice Mayer, "I must let you go, notwithstanding the nature of your speech." also charged with favoring the General Manifold Company by ordering greater quantities of the manifold books than was quantities of the manifold books than was necessary in the transaction of the business of the registry system. It was charged that the cellars of several large post offices are filled with thousands of these books, which are now worthless, having deteriorated through dampness and long storage, and it was said that supplies of these books were sent to small post offices where there was little if any registry business. DIDN'T KNOW 'TWAS ENGLISH. O'Sullivan and Fitzpatrick Would Like to A roundsman and two patrolmen were on trial at Police Headquarters yesterday

was little if any registry business.

The dismissal yesterday of C. B. Terry, a clerk in the supply division, because, as stated in the official explanation given Hall Park for five hours on the morning of out at the department, he "made a false affidavit," aroused great interest at the department, and it is not improbable that this action by the Postmaster-General may pany of London were here. A card pinned open up the way for a searching investiga-tion of the railway mail service, under Second Assistant Postmaster-General Shallenberger, and the only bureau of the postal service not overhauled by Mr. Bristow in

The matter was reported at the time to Commissioner Greene, and he ordered Capt. O'Brien of the City Hall squad to make an investigation. When the three men were put on trial yesterday the torn flag was exhibited as evidence. The roundsman, Aaron Manchester, was first called. He said that he hadn't been over the post after daybreak and consequently did not notice the flag. service not overhauled by Mr. Bristow in his recent investigation.
Terry asserted in affidavits furnished to the Postmaster-General some time ago that Masten had offered to get a promotion for him on payment of a certain sum. He refused to pay the money, and alleged that Masten thereupon had him reduced and dismissed. It is a matter of record that Terry appealed to President Roosevelt, and that, after hearing his side of the case, the President ordered his reinstatement.
Some time later several women clerks employed in the same division with Terry notice the flag.

Pairolmen O'Sullivan and Fitzpatrick were then called. Neither is English, and each said that if he'd thought that the flag was anything but red, white and blue bunting it would have come Commissioner Davis instructed the two commissioner Davis instructed the two cops to buy American flags and hang them in their homes, so they would be able to distinguish them in the future. They said they would. Decision was reserved.

The flag was taken to Deputy Commissioner Davis's office and will be put in the police museum.

employed in the same division with Terry came forward and volunteered the information that Terry had offered to get promotions for them upon payment of a certain sum. Upon this gratuitous testimony Terry was dismissed for making "a false affidavit" and Masten exouerated.

Terry has influential friends, however, among them Representative Hemenway of Indiana, chairman of the Appropriations Committee of the House of Representatives, who has publicly stated that resentatives, who has publicly stated that he believes Terry's statements with regard to Masten to be true in every particular

employed in the same division with Terry

and that he intends to see justice done. Masten is at present a superintendent of the railway mail service, the place he occupied before his appointment as Chief Clerk to the First Assistant Postmaster-General when the attempt at bribery is alleged to have taken place. action in the Supreme Court to recover automobile overtook her victoria on Riverside Drive, hitting it from the rear.

Mrs. Powers alleges that Mr. Sherin's machine was carelessly and negligently driven, and that in the collision she and her coachman were thrown out. She broke her sunshade, disarranged her dress and received a shock and some brusies. Her coachman sprained his ankle, the horses

when the attempt at bribery is alleged to have taken place.

It is understood that fully a dozen officers and clerks in the Post Office Department at Washington have been recommended for dismissal by Bristow, and action by the Postmaster-General is expected shortly. There is an evident disposition on the part of the postal authorities to make the dismissals recommended in the Bristow report by piecemeal, believing that this will not have such a harmful effect upon the public mind as weuld result if the changes were made at one time.

The President had a long conference to-day with Attorney-General Knox and Holmes Conrad and Charles J. Bonaparte, special counsel for the Government in the postal frauds cases. A part of the Bristow postal frauds cases. A part of the Bristow report and the Conrad-Bonaparte report, which are soon to be placed in the hands of

the President, is expected to be given out within a very short time, probably at the same time that President Roosevelt makes his contemplated public statement covering the general scope and results of the post office inquiry. It was said on authority this morning that the Conrad-Bonaparte report makes no recommendation for the dismissal of any person employed by the Government, but simply submits facts brought out by

WEIS PUT OUT OF POST OFFICE. Says He Collected Only a Legislative Fund for P. O. Clerks.

By direction of Postmaster-General Payne, Postmaster Van Cott summarily dismissed yesterday Otto Weis, Assistant Superintendent of the Registry Division. Postmaster-General Payne's letter, dated Oct. 21 and received yesterday morning,

reads: You are hereby directed to remove Otto Weis, a clerk in the New York Post Office, it having developed in the course of the investigations in the Post Office Department that he has collected money from clerks to influence legislation and to secure the promotion of clerks so contributing.

H. C. PAYNE.

bodies of 163 soldiers who died in the Philippines. Most of the bodies will be buried in the Arlington National Cemetery. The remains include those of Col. R. I. Eskridge, a retired officer; First Lieut. Robert A. Caldwell, Philippine Scouts; Capt. F. M. Kemp, assistant surgeon; Capt. L. M. Clark, Philippine Constabulary, and acting Assistant Surgeon Charles St. John. Weis was accused last winter of acting as collector for the "promotion syndicate." The syndicate, it is alleged, obliged nearly The syndicate, it is alonged, to the syndicate, it is a longed to the very postal clerk to pay from \$25 to \$50, according to his salary, and promised him promotion. Weis at that time denied the charges and nothing was done until yesterday. Postmaster Van Cott said yesterday.

day:
"I have no means of knowing whether "I have no means of knowing whether or not Weis was connected with the so-called promotion syndicate. When I asked him something about it last winter he flatly denied it."

Weis still denied yesterday that he colof Winona, Minn., who lost both arms in

lected money for unlawful purposes. As an officer of the National Postal Clerks' Association he admits that he collected money which members of that association con tributed to send clerks to Washington to visit members of Congress and to put case of the postal clerks before them By this means the postal clerks below them.
By this means the postal clerks had a number of bills passed which gave them a kind of rough classification, increase of salary and annual vacations.

Weis lives at 645 East 155th street with his family.

Wyoming at Newport and the monitor Wyoming at San Francisco. The training ship Mohican has sailed from Mare Island for San Diego, the cruiser Boston from San Francisco for Acapulco and the training ship Dixie from New York for League Island. BOY BURGLARS IN ROCHESTER. Three Arrested Last Night Confess to Seven Recent Burgiaries.

ROCHESTER, Oct. 22 .- In the arrest of three boys to-night the police have cleared up a series of burglaries that have been up a series of burgaries that have been puzzling the department for some time. The prisoners are Waiter Joseph Reilly, 18 years of age; Emmet Oliver, 17 years, and Lazarre Finnstone, 15 years. Finn-stone was arrested first, and he gave the information which led to the arrest of the The boys have confessed to seven bur-

glaries committed within the past few weeks and the police believe they are guilty

of others. The burglaries were all espe-cially daring, the places entered being in the heart of the business district. The biggest haul was made at Fergu son's jewelry store on Main street on Sept 5. Fourteen watches, twelve rings and several other articles of jewelry were taken. They disposed of the booty in Syracuse. All of the places were entered through transoms, one boy going into the stores while the other two remained outside to give the alarm if necessary.

POSTAL OFFICER RESIGNS. WEAK LUNGS

tion, if the System is not Kept in Healthy Condition Strengthened with Duffy's Pure Mait Whiskey.

Throat and lung troubles c use more deaths in this country than all other diseases combined. At least one-half could be cured if taken in time.

STOPPED HEMORRHAGES "Gentlemen—My lung trouble is two years old. I had about eight or ten hemorrhages, which broke me down in weight and strength. The last, in February, was the worst of all, so that I honestly believed I could not live to see another summer. When I commenced to take Duffy's Pure Malt Whiskey my weight was 117 pounds; to-day I weigh 129 pounds and have made good improvement in every respect. I feel stronger from day to day and have had no hemorrhage since I commenced to use 'Duffy's.' "GOTTFRIED EBER, Scranton, Pa

We have thousands of such letters as these "LUNGS AS STRONG AS EVER"

"Dear Sirs—Having suffered with weak lungs, severe cough and loss of appetite, I tried nearly all medicines, but without benefit. A few weeks ago on advice I commenced the use of Duffy's Pure Malt Whiskey.

My appetite improved almost immediately, my cough stopped and my lungs are as strong as ever: my strength has returned, and I shall continue its use as a preventive against all discontinue against all discontinue against all discontinue against all discon

eases." FLORENCE WHITING, No. 1166 C St., Washington, D. C.

cures consumption, coughs, colds, grip, bronchitis, pneumonia, catarrh, asthma, pleurisy and all disease of the throat and lungs; indigestion, dyspepsia and every form of stomach trouble; malaria and all low fevers. It is an absolutely pure, gentle and invigorating stimulant and tonic, builds up the nerve tissues, tones up the heart, gives power to the brain, strength and elasticity to the muscles and richness to the blood. It brings into action all the vital forces and enables you to get from the blood all the nourishment it contains. It is invaluable for overworked men, delicate women and sickly children. It strengthens and sustains the system; is a promoter of good health and longevity, makes the old young and keeps the young strong. It is absolutely pure, contains no fusel oll, and is the only whiskey recognized by the Government as a medicine; this is a guarantee.

CAUTION.—When you ask for Duffy's Pure Malt Whiskey be sure you get the genuine. Unscrupulous dealers, mindful of the excellence of this preparation, will ry to sell you cheap imitations and mait whiskey substitutes, which are put on the market for profit only, and which, far from relieving the sick, are positively harmful. Demand "Duffy's and be sure you get it. It is the only absolutely pure Malt Whiskey which contains medicinal, health giving qualities. Duffy's Pure Malt Whiskey is sold in sealed bottles only; never in flask or bulk. Look for the trade-mark, the "Old Chemist," on the label, and be certain the seal over the cork is unbroken. Beware of refilled bottles.

Sold by all druggists and grocers, or direct, \$1.00 a bottle. Interesting medical booklet postpaid to any address. Duffy Malt Whiskey Co., Rochester, New York.

POOLROOM IN TUCKAHOE AGAIN. This Recalls How Gov. Odell Had the Last One There Closed.

TUCKAHOE, N. Y., Oct. 22.-Within the past week officials in several towns in Westchester county have been approached on the subject of how much it will cost to open poolroom. So far only one poolroom has opened up, and that is in Tuckahoe, but it is said that at least half a dozen more will be running within the next few days. The new room, which, it is said, is being backed by one of the most prominent bookmakers n New York, is on the second floor of a building on the White Plains road, in upper Tuckahoe. Between four and five hundred men from New York and Westchester county visit it daily.

The last poolroom to be closed in Tuckahoe was closed by Gov. B. B. Odell. That was two years ago. At that time the local clergy sent a letter to him, asking him to put an end to the pooloom curse in Tuckahoe. It is said that the Governor wrote on the back of the letter: "If poolrooms exist in Tuckahoe, and I am informed that they do, see that they are closed immediately."
The letter was then sent to the District At-

The letter was then sent to the District Attorney. That atternoon gambling in Tuckahoe was stopped.

Another effort will be made by the clergy to stop gambling in Tuckahoe. It is said that one minister is gathering evidence against the gamblers and that he will deliver a sermon on what he has discovered next Sunday. He will follow this up by appealing to the Sheriff, and if the poolroom is not closed he will appear before the Grand Jury at White Plains. There is talk also of appealing to the Governor again. The gamblers are having their own troubles fighting the villagers. Almost daily the wire from the main line to the poolroom is cut by some anti-gambling resident. Wednesday the crier had just shouted: "Eugenia Burch in the lead by a length," when the wire was in the lead by a length," when the wire wa out. It took half an hour to make repairs while the crowd stood around anxiously awaiting the result of the race

BURGLAR FRIGHTENS GIRLS.

Gets Into Jersey State School Dormitories

-Ex-Postmaster Robbed, Too. TRENTON, N. J., Oct. 22 .- Burglars got into one of the girls' dormitories of the State School at 3 o'clock this morning. One of the intruders was discovered by Miss Hattie E. Decker of Deckertown as he was rifling her apartments The burglar threatened to kill Miss Decker f she should make any outcry. As he climbed out of a window to a roof he told her he had confederates who would shoot her if she tried to give an alarm within the next half hour. Miss Decker and her room-mate were terrified, but after a time made their way into an adjoining apartment, where they remained until daylight. The burgiar had entered several rooms,

The burgiar had entered several rooms, securing three watches and some trinkets, most of which were of small value.

Earlier in the night the home of Col. Eckford Moore, ex-Postmaster of Trenton, was ransacked. In this case the thieves made a good haul, securing jewelry and silverware of the value of more than \$3,000.

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TEFFT PRIVATE LIBRARY BY ORDER OF GEO. C. CLARKE, ESQ., EXECUTOR. Contains many rare editions of limited subscription sets; about 240 lots. Bookcases to be sold immediately after the books.

Commencing at 3:30 P. M. AT THE NEW YORK ART GALLERIES. NO. 2 W. 28TH ST.

JOHN FELL O'BRIEN. AUCTIONEER.

SANDUSKY, Ohio. Oct. 22.-The condition of Senator Foraker who was taken ill here last night, was such improved to-day. His physician said that the heavy cold contracted by the Senator had yielded readily to treatment and that the patient probably would be able to leave his bed to-morrow.

BEST& C

Boys' & Youths' Clothing. The best obtainable anywhere for prices quoted.

Red or Blue Flannel Russian Blouse Suits, trimmed with

white braid; sizes 2, 3 and 4 yrs.....\$4.25 Blue Serge Russian Blouse Suits with sailor collar, patent leather belt; sizes 3 to 8 yrs....\$6.00 to \$12.50

Blue Serge Sailor Suits, handsomely trimmed; sixes 5 to 10 yrs.....\$5.00 to \$13.00

Velveteen Suits for small boys, various colors, both Sailor and Russian, with an extra silk collar and shield handsomely embroidered \$15.50

Norfolk Saits with or without blouse trousers, in blues or fancy mixtures—a very large assortment; sizes I to 16 yrs.....\$6.50 to \$18.00

Suits for Stout Boys; sizes 9 to 16 yrs \$6.00 to \$13.50 Reefers of blue cheviots, chinchillas, kerseys, pilot cloths

A large variety of Blue and Black Suits for dress occasions, for boys from 7 to 15 yrs.... beginning at \$10.00 Overcoats of all kinds including the new tourists', in a

large variety of cloths from \$10.00 up

and other colored fabrics \$6.00 to \$19.50

60-62 West 23d Street.